

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Bardy  Serial No.: Unassigned  Filed: August 22, 2003  Title: System And Method For Determining A Reference Baseline Of Patient Information For Automated Patient Care  <u>Attorney Docket No.: 020.0336.US.CON</u>	Group Art Unit: Unassigned  Examiner: Unassigned
--	--

Commissioner for Patents  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

This Information Disclosure Statement is submitted:

- under 37 CFR 1.97(b), or
  - (Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- under 37 CFR 1.97(c) together with either a:
  - Statement under 37 CFR 1.97(e), or
  - a \$180.00 fee under 37 CFR 1.17(p), or
    - (After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- under 37 CFR 1.97(d) together with a:
  - Statement under 37 CFR 1.97(e), and
  - a \$180.00 fee set forth in 37 CFR 1.17(p).
    - (Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

The relevance of the attached references is that this is the closest art of which Applicant is aware.

Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

Copies of the materials listed in the Information Disclosure Statement are not required to be provided because these items were previously cited by or submitted to the U.S. Patent & Trademark Office in a prior application, Serial. No. 09/789,416, filed February 20, 2001, pending, the priority filing date of which is claimed under 35 U.S.C. 120.

It is requested that the information disclosed herein be made of record in this application.

Respectfully submitted,



  
\_\_\_\_\_  
Patrick J.S. Iyouye, Esq.  
Attorney/Agent for Applicant(s)  
Reg. No. 40297

Date: August 22, 2003

Telephone No.: (206) 381-3900

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO				C mplete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	Unassigned
Sheet	1	of	5	Filing Date	August 22, 2003
				First Named Inventor	Bardy
				Art Unit	Unassigned
				Examiner Name	Unassigned
				Attorney Docket Number	020.0336.US.CON

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)	MM-DD-YYYY		
		US-4,686,999	8/18/1987	Snyder et al.	
		US-5,355,889	10/18/1994	Nevo et al.	
		US-5,591,215	1/7/1997	Greenhut et al.	
		US-5,660,183	8/26/1997	Chiang et al.	
		US-4,987,897	1/29/1991	Funke	
		US-5,040,536	8/20/1991	Riff	
		US-5,113,859	5/19/1992	Funke	
		US-5,113,869	5/19/1992	Nappholz, et al.	
		US-5,331,549	7/19/1994	Crawford Jr.	
		US-5,336,245	8/9/1994	Adams et al.	
		US-5,357,427	10/18/1994	Langen et al.	
		US-5,390,238	2/14/1995	Kirk et al.	
		US-5,437,278	8/1/1995	Wilk	
		US-5,544,661	8/13/1996	Davis et al.	
		US-5,553,609	9/10/1996	Chen et al.	
		US-5,704,366	1/6/1998	Tracklind et al.	
		US-5,711,297	1/27/1998	Iliff	
		US-5,713,350	2/3/1998	Yokota et al.	
		US-5,752,976	5/19/1998	Duffin et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
		EP 0 711 531 A1	5/15/1996	Karlsson et al.		
		EP 0 531 889 A2	3/17/1993	Hewlett-Packard		
		EP 0 513 457	11/19/1992	Caliber Medical Corp		
		EP 0 34 2859	11/23/1989	Healthtech Services		
		WO 98/01742	2/19/1998	Cohen		
		WO 97/39792	10/30/1997	Feldman		
		WO 99/46718	9/16/1999	Healthware Corporation		

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO		<b>C mplet if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>		Application Number	Unassigned	
		Filing Date	August 22, 2003	
		First Named Inventor	Bardy	
		Art Unit	Unassigned	
		Examiner Name	Unassigned	
Sheet	2	of	5	Attorney Docket Number
020.0336.US.CON				

#### **U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-5,772,604	6/30/1998	Lanoberg et al.	
		US-5,778,882	7/14/1998	Raymond et al.	
		US-5,792,062	8/11/1998	Poon et al.	
		US-5,855,593	1/5/1999	Olson et al.	
		US-5,876,353	3/2/1999	Riff	
		US-5,931,857	3/2/1999	Prieve	
		US-5,987,352	11/16/1999	Klein et al.	
		US-6,139,494	10/31/2000	Cairnes	
		US-5,199,428	4/6/1993	Obel et al.	
		US-5,724,983	3/10/1998	Selker et al.	
		US-6,171,256	1/9/2001	Joo et al.	
		US-6,168,563	1/2/2001	Brown	
		US6,223,078	04/24/2001	Marcovecchio	
		US-4,852,570	8/1/1989	Levine	
		US-6,024,699	2/15/2000	Surwit et al.	
		US-6,047,203	4/4/2000	Sackner et al.	

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>2</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>4</sup>Applicant's unique station identifier number (optional). See Models Codes at [http://www.uspto.gov/patent/documents/stationid.html](#).  
Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).<sup>5</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.<sup>6</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.<sup>7</sup> Applicant is to place a check mark here if English language Translation is attached.

document under WFO Standard S1, if possible. Applicant is to place a check mark here if English language translation is attached.  
Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO				<b><i>Complete if Known</i></b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	Unassigned
				Filing Date	August 22, 2003
				First Named Inventor	Bardy
				Art Unit	Unassigned
				Examiner Name	Unassigned
				Attorney Docket Number	020.0336.US.CON
Sheet	3	of	5		

## **U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-4974607	12/4/90	Miwa	
		US-5576952	11/19/96	Stutman	
		US-5743267	4/28/98	Nikolic	
		US-5897493	4/27/98	Brown	
		US-6302844	10/16/01	Walker	
		US-6336900	1/8/02	Alleckson	
		US-6073046	6/6/00	Patel	
		US-5749907	5/12/98	Mann	
		US-4531527	7/30/85	Reinhold, Jr. et al.	
		US-4809697	4/7/1989	Causey, III et al.	
		US-4958645	9/25/1990	Cadell et al.	
		US-5416695	5/16/1995	Stutman et al.	
		US-5421343	6/6/1995	Feng	
		US-5687734	11/18/1997	Dempsey et al.	
		US-6246992	6/12/2001	Brown	
		US- 5749908	5/12/1998	Snell	
		US- 5720771	2/24/1998	Snell	
		US- 5697959	12/16/1997	Poore	
		US- 5724580	3/3/1998	Levi et al.	

## FOREIGN PATENT DOCUMENTS

<b>Examiner Signature</b>		<b>Date Considered</b>	
-------------------------------	--	----------------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.**

<sup>3</sup>Applicant's unique citation designation number (optional). See *Kokusai Codes or CSD* for Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.  
<sup>4</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).<sup>5</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.<sup>6</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.<sup>7</sup>Applicant is to place a check mark here if English language Translation is attached.

document under WIPO Standard ST.16 if possible. "Applicant is to place a check mark here if English language Translation is attached.  
Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO				<i><b>Complete if Known</b></i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	Unassigned
				Filing Date	August 22, 2003
				First Named Inventor	Bardy
				Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	4	of	5	Attorney Docket Number	020.0336.US.CON

## **U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-5738102	4/14/1998	Lernelson	
		US-5772586	6/30/1998	Heinonen et al.	
		US-5785650	7/28/1998	Akasaka et al.	
		US-5879375	3/9/1999	Larson, Jr. et al.	
		US-5891178	4/6/1999	Mann et al.	
		US-5911132	6/8/1999	Sloane	
		US-5957861	9/28/1999	Combs et al.	
		US-6083248	7/4/2000	Thompson	
		US-6093146	7/25/2000	Filangeri	
		US-6102856	8/15/2000	Groff et al.	
		US-6171237	1/9/2001	Avitall et al.	
		US- 6155267	12/5/2000	Nelson	
		US-5954640	9/1/1999	Szabo	
		US-6050940	4/1/2000	Braun	
		US-6454705	12/1/1989	Cosentino	
		US-6,067,466	5/23/2000	Selker	
		US-6,095,985	8/1/2000	Raymond et al.	
		US-6,477,424	11/5/2002	Thompson et al.	
		US-6,416,471	7/9/2002	Kumar et al.	
		US-			

## **FOREIGN PATENT DOCUMENTS**

<b>Examiner Signature</b>		<b>Date Considered</b>	
-------------------------------	--	----------------------------	--

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**'Applicant's unique citation designation number (optional).<sup>2</sup>** See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

Applicant's unique creation designation number (optional). See WIPO Codes of Civil Patent Documents at [www.uspto.gov/tmdb/patent/wipo](http://www.uspto.gov/tmdb/patent/wipo).

Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

document under WIPO Standard ST. 16 if possible. "Applicant is to place a check mark here if English language Translation is attached.  
Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PTO/CUSP/BSP, (600-121)

Approved for use through 10/31/2002. OMB 0651-0031

Approved for use through 10/31/2002. GMD 5001-0001  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449B/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>		Application Number	Unassigned
		Filing Date	August 22, 2003
		First Named Inventor	Bardy
		Group Art Unit	Unassigned
		Examiner Name	Unassigned
Sheet	5	of	5
		Attorney Docket Number	

<b>Examiner Signature</b>		<b>Date Considered</b>	
-------------------------------	--	----------------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.